

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:06CR376
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
LEONA COLE,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's motion for leave to file a successive § 2255 motion (Filing No. 211) and motion for copies (Filing No. 212).

Successive § 2255 Motion

A successive § 2255 motion may only be filed if it has been certified by a panel of the Eighth Circuit Court of Appeals, and a certification only may be issued in the following rare circumstances:

- (1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or
- (2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

28 U.S.C. § 2255(h).

The motion is not properly before this Court and must be presented to the Eighth Circuit Court of Appeals under 28 U.S.C. § 2244. 28 U.S.C. § 2255(h). Therefore, the Defendant's motion for a transcript is denied.

Copies

The Defendant apparently also requests certain court documents, including the sentencing transcript that has not been prepared. No § 2255 motion is pending before this

Court, and therefore the Court may not consider providing court documents to the Defendant without cost. 28 U.S.C. § 2250.

CONCLUSION

The Defendant's motions are denied, and the Defendant is advised that no further relief is available in this Court.

IT IS ORDERED:

1. The Defendant's motion for leave to file a successive § 2255 motion (Filing No. 211) is denied; and
2. The Defendant's motion for copies (Filing No. 212) is denied.

DATED this 30th day of September, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge